

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES SWEENEY, et al.,

Plaintiffs,

ORDER
CV 08-4417(ARL)

-against-

UNITED STATES POSTAL SERVICE, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is defendants' motion dated March 25, 2011, to compel plaintiffs to respond to all of defendant United States Postal Service's ("USPS") 22 interrogatories dated January 31, 2011. Plaintiffs oppose the motion asserting that the interrogatories exceed the limit of twenty-five (25) interrogatories set forth in Fed. R. Civ. P. 33. By letter dated March 31, 2011, defendants requested that the court defer ruling on its motion because after USPS served its motion, plaintiffs' served a response which raised related issues which they would bring to the attention of the court no later than the following week in the event the parties cannot resolve the dispute. Having not received any further application from defendants, the court issues its ruling.

A review of the interrogatories reveals each of the subparts to the interrogatory seek to elicit details relating to a common theme and subject matter and are closely interrelated to the first part of the number request so as to constitute a single interrogatory. *See* Advisory Committee Note to 1933 Amendment to Rule 33 ("a question asking about communications of a particular type should be treated as a single interrogatory even though it requests that the time, place, persons present, and contents be stated separately for each such communication"). Accordingly, defendants' motion to compel is granted and plaintiffs are directed to respond to the balance of the interrogatories.

Dated: Central Islip, New York
April 12, 2011

SO ORDERED:

_____/s_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge